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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,849	05/31/2000	Marcos N. Novaes	POU9-2000-0008-US1	4360

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EXAMINER

PARTON, KEVIN S

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,849

Applicant(s)

NOVAES ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**: 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,5. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because in figures 3 and 23, no reference numbers are used. Reference numbers should be used and referred to from the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7-15, 18-27, and 30-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (USPN 5,475,819).

4. Regarding claims 1, 14, 25, and 26, Miller et al. (USPN 5,475,819) teach a system for controlling system traffic of a clustered computing environment with means for:

- a. Mapping one or more node addresses, for a service to be provided, to one or more network objects defined for the service (column 5, line 52 – column 6, line 36; column 6, lines 41-45; column 6, lines 49-54). Note that in the reference, the node addresses where services are available are mapped to objects using a name service.
- b. Obtaining from the one or more network objects, one or more priorities of the service (column 6, lines 41-45; column 7, lines 38-42). Note that in the

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configuration file of the reference, priorities are assigned to the service providers for the requestor to use in choosing which provider to contact.

- c. Contacting the service based on the one or more priorities (column 7, lines 38-42). Note that the priority is used to designate which service provider to choose.

5. Regarding claims 4, 15, and 27, Miller et al. (USPN 5,475,819) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means for:

- a. Identifying one or more subnetwork objects for the one or more node addresses (column 6, lines 55-58). Note that in the reference, the naming service may take multiple service groups and list them for access by the clients. These service groups would be subnetworks.
- b. Retrieving from the one or more subnetwork objects an indication of the one or more network objects (column 6, lines 58-65). Note that in the reference, the network objects are the service providers and they are selected from the multiple subnetworks, or service groups.

6. Regarding claims 7, 18, and 30, Miller et al. (USPN 5,475,819) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means for ordering the one or more priorities (column 6, lines 40-43). Note that the name list is a priority ordered list.

7. Regarding claims 8, 19, and 31, Miller et al. (USPN 5,475,819) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means wherein the service comprises a system registry (column 5, line 52 – column 6, line 36). Note that in the reference, the creation of the namespace is a type of system registry for services.

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8. Regarding claims 9, 20, and 32, Miller et al. (USPN 5,475,819) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means wherein a network object of the one or more network objects is associated with one or more subnetworks, and a subnetwork of the one or more subnetworks is associated with one or more nodes having one or more node addresses (column 6, lines 55-65). Note that in the reference, a network may have within it a number of service groups that could be subnetworks. Within those subnetworks would be nodes that would provide the actual service depending on priority.

9. Regarding claims 10, 21, and 33, Miller et al. (USPN 5,475,819) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means wherein the traffic for the service is restricted to one or more networks specified for that service (column 5 – column 6). Note that in the reference, the services can be contained to any part of the network or any node. If there is only one network on which the service is available, then the traffic would be contained to that network.

10. Regarding claims 11, 22, and 34, Miller et al. (USPN 5,475,819) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means for obtaining the one or more node addresses (column 7, lines 38-41). The list of service prioritized would provide the node address.

11. Regarding claims 12, 23, and 35, Miller et al. (USPN 5,475,819) teach all the limitations as applied to claims 11, 22, and 34. They further teach means wherein the obtaining is dependent on the service to be provided (column 6, lines 49-60). Note that the services are divided into groups so the group would only be accessed if that service is requested.

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12. Regarding claims 13, 24, and 36, Miller et al. (USPN 5,475,819) teach all the limitations as applied to claims 11, 22, and 34, respectively. They further teach means wherein the service comprises a system registry service, and the obtaining comprises obtaining the one or more node addresses from a local configuration (column 5 – column 6). Note that the registry is maintained as a name service. The service that is requested could be any of the name services or others.

This name service is a system registry.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5, 6, 16, 17, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (USPN 5,475,819) in view of Oguchi et al. (USPN 6,304,912).

15. Regarding claims 5, 16, and 28, although the system disclosed by Miller et al. (USPN 5,475,819) (as applied to claims 4, 15, and 27, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the identifying for a node address of the one or more node addresses comprises performing an operation of the node address and a subnetwork mask corresponding to the node address to obtain an identification of a subnetwork object for the node address.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Miller et al. (USPN 5,475,819), as evidenced by Cain (USPN 6,401,130).

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In an analogous art, Cain (USPN 6,401,130) discloses a system for managing the addresses of machines on a clustered environment wherein the identifying for a node address of the one or more node addresses comprises performing an operation of the node address and a subnetwork mask corresponding to the node address to obtain an identification of a subnetwork object for the node address (column 3, line 64 – column 4, line 3).

Given the teaching of Cain (USPN 6,401,130), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Miller et al. (USPN 5,475,819) by employing the use of a method to determine on what subnetwork a node resides. This would have benefited the system by allowing clients to determine if it will be necessary to go outside their own subnetwork to use a service. This can be used in calculating priorities and the overall cost of a service.

16. Regarding claims 6, 17, and 29, although the system disclosed by Miller et al. (USPN 5,475,819) (as applied to claims 5, 16, and 28, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the operation comprises a logical AND operation.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Miller et al. (USPN 5,475,819), as evidenced by Cain (USPN 6,401,130).

In an analogous art, Cain (USPN 6,401,130) discloses a system for negotiating the connection of machines on a clustered environment wherein the operation comprises a logical AND operation (column 3, line 64 – column 4, line 3).

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Given the teaching of Cain (USPN 6,401,130), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Miller et al. (USPN 5,475,819) by employing the use of a logical AND operation to determine the subnetwork commonalities. It is commonly known that a network node may have added to its address a subnetwork mask to identify the group within the network to which it belongs. By utilizing the AND operator on multiple addresses, the subnetworks are made apparent. This benefits the system by allowing clients to determine if it will be necessary to go outside their own subnetwork to use a service. This can be used in calculating priorities and the overall cost of a service.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

- a. Jacobsen et al. (USPN 5,440,744) – Distributed services by priority in a clustered computing system.
- b. Oguchi et al. (USPN 6,304,912) – System for management of clustered computer environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703)746-9242 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp
February 10, 2003



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